

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYDRIAN LOFTON,
Plaintiff,

v.

ENS ASSOCIATES INVESTMENTS, LLC;
YP ENTERPRISE INC dba HOAGIE
STEAKOUT,
Defendants.

Case No. 5:14-cv-03754 HRL

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION FOR STAY
AND EARLY NEUTRAL EVALUATION
CONFERENCE**

[Re: Dkt. 8]

Plaintiff sues under Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12181, et seq., alleging that architectural barriers at defendants' restaurant prevented her from enjoying full and equal access at the facility. She also asserts a number of state law claims for relief.

Now before the court is defendants motion¹ for a stay and an early evaluation conference pursuant to the California Construction-Related Accessibility Standards Compliance Act, Cal. Civ. Code §§ 55.51-55.54. Basically, that statute allows a defendant in certain circumstances to seek a stay and an early neutral evaluation. Defendants' motion is denied as moot because this district's General Order No. 56 provides essentially the same relief---it requires the parties to make certain initial disclosures, but otherwise stays all discovery pending a site inspection and early resolution

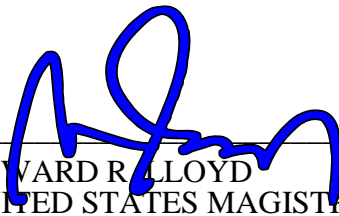
¹ The motion is deemed suitable for determination without oral argument. Civ. L.R. 7-1(b).

1 efforts, including, if need be, a mediation to be arranged through the court's ADR program. See
2 General Order No. 56; see also Dkt. 4 Scheduling Order for Cases Asserting Denial of Right of
3 Access Under Americans With Disabilities Act, Title II & III (42 U.S.C. §§ 12131-89).

4 For future reference, defendants are advised that they cannot appear before this court
5 except through an attorney. See Civ. L.R. 3-9(b) ("A corporation, unincorporated association,
6 partnership or other such entity may appear only through a member of the bar of this Court"); see
7 also Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993) ("It has been the law for
8 the better part of two centuries . . . that a corporation may appear in the federal courts only through
9 licensed counsel"); In Re Highley, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear
10 in a court proceeding only through an attorney at law"). Should this matter proceed beyond the
11 informal resolution efforts mandated by General Order No. 56 and the court's initial Scheduling
12 Order, defendants may wish to contact the Federal Legal Assistance Self-Help Center (FLASH),
13 located on the second floor of the Federal Courthouse in San Jose, for assistance. Appointments
14 with FLASH may be made by signing up at the Center or by calling 408-297-1480.

15 **SO ORDERED.**

16 Dated: November 3, 2014

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19 HOWARD R. LLOYD
20 UNITED STATES MAGISTRATE JUDGE
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5:14-cv-03754-HRL Notice has been electronically mailed to:

Tanya Eugene Moore tanya@moorelawfirm.com, david@moorelawfirm.com,
elise@moorelawfirm.com, isaac@moorelawfirm.com, marejka@moorelawfirm.com,
whitney@moorelawfirm.com

5:14-cv-03754-HRL Notice sent by U.S. Mail to:

ENS Associates Investments, LLC
c/o Masoud Shahidi
306 South 3rd Street
San Jose, CA 95112

YP Enterprises dba Hoagie Steakout
c/o Yeol Gyun Paik
306 South 3rd Street
San Jose, CA 95112

United States District Court
Northern District of California